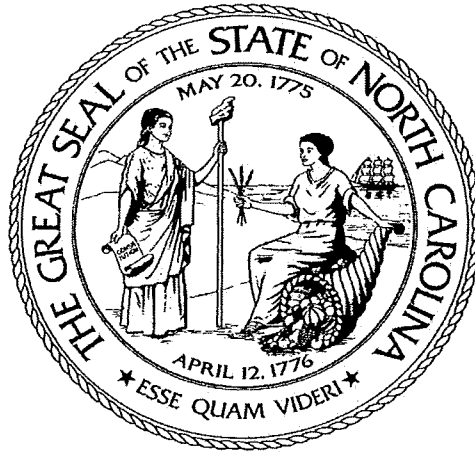


NORTH CAROLINA GENERAL ASSEMBLY



HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS

REPORT TO THE 2018 SESSION of the 2017 GENERAL ASSEMBLY OF NORTH CAROLINA

APRIL 30, 2018

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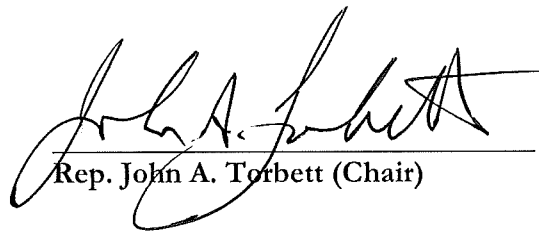
TRANSMITTAL LETTER

April 30, 2018

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TO THE MEMBERS OF THE 2018 REGULAR SESSION
OF THE 2017 GENERAL ASSEMBLY

The HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION
PLANNING AND LONG TERM FUNDING SOLUTIONS respectfully submits
the following report to the 2018 Regular Session of the 2017 General Assembly.



Rep. John A. Torbett (Chair)

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COMMITTEE PROCEEDINGS

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The House Select Committee on Strategic Transportation Planning and Long Term Funding Solutions met eight times after the 2017 Regular Session. The following is a brief summary of the Committee's proceedings. Detailed minutes and information from each Committee meeting are available in the Legislative Library.

October 2, 2017

The first meeting of the Committee following the 2017 regular session of the General Assembly was held October 2, 2017, at 1:00 p.m. in Room 544 of the Legislative Office Building. Representative John Torbett presided. The Committee heard the following presentations: (1) Committee Charge, Giles Perry, Committee Counsel, Legislative Analysis Division; (2) Moving North Carolina's Transportation System Forward, Jim Trogdon, P.E., Secretary, North Carolina Department of Transportation; (3) What to Expect from the Federal Infrastructure Package and a Review of Recent Revenue Changes around the Country, Jounge Lee, Policy Director, American Association of State Highway Transportation Officials (AASHTO); (4) Raleigh Union Station and Building a Future Transportation Hub – Nancy McFarlane, Mayor, City of Raleigh; Roberta Fox, Assistant Director, Department of City Planning, City of Raleigh; David Eatman, Transit Administrator, City of Raleigh; Jeff Mann, General Manager, GoTriangle. Following presentations, the Committee made a site visit to Raleigh Union Station.

November 6, 2017

The second meeting of the Committee following the 2017 regular session of the General Assembly was held November 6, 2017, at 11:00 a.m. at the Port of Wilmington in Wilmington, NC. Representative John Torbett presided. The Committee first took a tour of the Port of Wilmington. After the tour, the Committee heard the following presentations: (1) The Port of Wilmington's Capital Plan and Preparing North Carolina's Ports for the New Generation of Ships Post-Panamax, Paul Cozza, Executive Director, North Carolina State Ports Authority; (2) City of Wilmington's Rail Realignment Study – Glen Harbeck, Director of Planning, Development, and Transportation, City of Wilmington; Laura Padgett, Chair of Mayor's Task Force on Rail Realignment, City of Wilmington; (3) Extending North Carolina's Ports through Increased Connectivity, Charles Edwards, Director of Strategic Planning/Logistics, North Carolina Department of Transportation; (4) Long Term Considerations for North Carolina's Ports, Paul Cozza, Executive Director, North Carolina State Ports Authority.

December 4, 2017

The third meeting of the Committee following the 2017 regular session of the General Assembly was held December 4, 2017. The Committee first met at 9:00 a.m. at the State

Highway Patrol Test Track in Raleigh, NC, for demonstrations and test rides of autonomous and connected vehicles. The Committee then convened at 1:00 p.m. in Room 544 of the Legislative Office Building. Representative John Torbett presided. The Committee heard the following presentations: (1) Feasibility and Demonstration of Small Automated Vehicles as a Viable Transit Solution in North Carolina (EcoPRT) – Seth Hollar, Ph.D., Assistant Professor, Electrical and Computer Engineering Department, North Carolina State University; Marshall Brain, Director of Engineering Entrepreneurs Program, Electrical and Computer Engineering Department, North Carolina State University; NCSU Engineering Students, Amit Nayak, Nikhil Patil, Joel Smith, Amrutha Arunachala, Suraj Shanbhag, Tyler Currie, Tyler Orr, Siddhesh Gotad; (2) Review of NC Legislative Actions, Howard Marsilio, Committee Counsel, Legislative Analysis Division; (3) An Overview of Autonomous and Connected Vehicles and How These Technologies will Impact Transportation Services, Paul Steinman, Transportation Group Director, HNTB; (4) Emerging Technologies, Harry Lightsey, III, Executive Director, Emerging Technologies Policy, GM; (5) Toyota's Experience in Japan: A Federal Legislative Update and a Safety Overview, Ed Bradley, Program Manager for Safety Regulation, Toyota; (6) The Evolution of Automated and Connected Vehicles and How the Military will Use this Technology, Steven W. Dellenback, Ph.D., PMP, Vice President of Research and Development, Southwest Research Institute (SwRI); (7) The Future of Ride Sharing in the Age of Autonomous and Connected Vehicles, Justin Erlich, Head of Policy, Autonomous Vehicles & Urban Aviation, Uber; (8) Preparing North Carolina Roads for Autonomous and Connected Vehicles, Kevin Lacy, PE, State Traffic Engineer, North Carolina Department of Transportation; (9) What Should North Carolina do to Develop the Industry in North Carolina, Chris Cunningham, Program Manager, Director of Highway Systems, Institute of Transportation Research Education (ITRE), North Carolina State University; (10) Automated and Connected Vehicles: Panel Discussion – Chris Cunningham, ITRE, NC State University; Thomas Chase, Ph.D., ITRE, NC State University; Kyle Snyder, ITRE, NC State University; Ed Bradley, Toyota; Dr. Steven Dellenback, SwRI; Nick Zabriskie, Uber; Paul Steinman, HNTB; Kevin Lacy, NCDOT.

January 8, 2018

The fourth meeting of the Committee following the 2017 regular session of the General Assembly was held January 8, 2018, at 1:00 p.m. in Room 544 of the Legislative Office Building. Representative John Torbett presided. The Committee heard the following presentations: (1) North Carolina's Economy, Michael Walden, Ph.D., William Neal Reynolds Distinguished Professor, Agricultural and Resource Economics, North Carolina State University; (2) Transportation Planning for Aging Populations, Blair Barton-Percival, Area Agency on Aging Director, Piedmont Triad Regional Council; (3) Aviation Automation, Kyle Snyder, Director of NGAT Program, North Carolina Institute for Transportation Research and Education; (4) Challenges and Innovations in the Movement of Goods, Frank Morris, Vice President of Corporate and Public Affairs, UPS; (5) The Future of Electric Vehicles, Patrick Bean, Associate Manager for Energy Policy & Business Development, Tesla; (6) Impacts to the Grid and Strategies for Handling Current and Anticipated Impacts, Lang Reynolds, Manager of Electric Transportation, Duke Energy.

February 5, 2018

The fifth meeting of the Committee following the 2017 regular session of the General Assembly was held February 5, 2018, at 1:00 p.m. in Room 544 of the Legislative Office Building. Representative John Torbett presided. The Committee heard the following presentations: (1) Transportation-Related Goods and Services – Cindy Avrette, Staff Attorney, Legislative Analysis Division, North Carolina General Assembly; Denise Canada, Principal Fiscal Analyst, Fiscal Research Division, North Carolina General Assembly; (2) Federal Update, Jeff Davis, Senior Fellow, Eno Foundation; (3) Future Transportation Revenue Options, Adrian Moore, Ph.D., Vice President of Policy, Reason Foundation; (4) 2018 Debt Affordability Study, Greg Gaskins, Deputy Treasurer, State and Local Finance Division, North Carolina Department of State Treasurer; (5) An Overview of BUILD NC, Jim Trogdon, PE, Secretary, North Carolina Department of Transportation.

March 5, 2018

The sixth meeting of the Committee following the 2017 regular session of the General Assembly was held March 5, 2018, at 8:45 a.m. in Charlotte, NC. Representative John Torbett presided. The Committee first met at the American Airlines Training Center and heard a presentation by American Airlines followed by a tour of the American Airlines Training Center, Simulator Bays, and Base Maintenance Hangar. The Committee then took a bus tour of Norfolk Southern's Charlotte Regional Intermodal Facility. The Committee then met at the Charlotte Chamber of Commerce for a meet and greet with members of the Charlotte Chamber of Commerce and heard the following presentations: (1) Where Business and Transportation Intersect, Bob Morgan, President and CEO, Charlotte Chamber of Commerce; (2) Charlotte Area Transit System: Moving Forward, John Lewis, Executive Director, Charlotte Area Transit System (CATS). The Committee then made a site visit on the CATS LYNX Blue Line.

April 2, 2018

The seventh meeting of the Committee following the 2017 regular session of the General Assembly was held April 2, 2018, at 1:00 p.m. in Room 544 of the Legislative Office Building. Representative John Torbett presided. The Committee heard the following presentations: (1) The Role of Transportation in Business Recruitment and Site Development, Chris Chung, Chief Executive Officer, Economic Development Partnership of North Carolina; (2) NCRR's Economic Development Strategies and Initiatives, Scott Saylor, President, North Carolina Railroad Company; (3) The Connection between Airport Infrastructure and Economic Growth, Bobby Walston, Director, Division of Aviation, North Carolina Department of Transportation; (4) Legislative Proposals - Luke Gillenwater, Committee Counsel, Bill Drafting Division; Joshua Freeman, Committee Counsel, Bill Drafting Division.

April 30, 2018

The eighth meeting of the Committee following the 2017 regular session of the General Assembly was held April 30, 2018, at 1:00 p.m. in Room 544 of the Legislative Office Building. Representative John Torbett presided. The Committee heard the following presentations: (1) Demographic Change in North Carolina, Rebecca Tippet, Ph.D., Director, Carolina Demography at the Carolina Population Center; (2) Build NC Legislative Proposal – Presentation of Bill Draft, Luke Gillenwater, Committee Counsel, Bill Drafting Division; Build NC Impacts, Jim Trogdon, P.E., Secretary, North Carolina Department of Transportation. A public comment period and discussion and vote followed; (3) Other Legislative Proposals – Luke Gillenwater, Committee Counsel, Bill Drafting Division; Joshua Freeman, Committee Counsel, Bill Drafting Division. Discussion and vote followed. Following these presentations, the Committee approved this report.

RECOMMENDATIONS

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The Committee recommends the following legislative proposals, attached in Appendix C, for consideration in the 2018 session of the General Assembly:

2017-MWz-24A (Airport Prop. Purchase/NCEPA waiver)
2017-MWz-22 (DOT Property Sale Proceeds/Highway Fund)
2017-MWz-21 (Unanticipated Bridge/Road Closure/Waive Bids)
2017-MWz-20 (Replacement ROW for Utility Relocation)
2017-MWz-23A (DOT Highway Division/SHRA Exemption)
2017-MLz-201 (DOT/Project Delivery Method Pilot Project)
2017-MLz-182 (Clarify Oversight Authority/Auto Appraisers)
2017-MWz-30 (DMV/Motorcoach Study)
2017-MLz-205A (Build NC Bond Act)

COMMITTEE MEMBERSHIP

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2017-2018

Speaker of the House of Representatives Appointments:

Rep. John A. Torbett (Chair)

Rep. Frank Iler (Vice-Chair)

Rep. Michele D. Presnell (Vice-Chair)

Rep. Phil Shepard (Vice-Chair)

Rep. James L. Boles, Jr.

Rep. John R. Bradford, III

Rep. Dana Bumgardner

Rep. Becky Carney

Rep. Debra Conrad

Rep. Nelson Dollar

Rep. John Faircloth

Rep. John A. Fraley

Rep. Ken Goodman

Rep. George Graham

Rep. Holly Grange

Rep. Kelly E. Hastings

Rep. Yvonne Lewis Holley

Rep. Howard J. Hunter, III

Rep. Pat B. Hurley

Rep. Linda P. Johnson

Rep. Susan Martin

Rep. Chuck McGrady

Rep. Allen McNeill

Rep. Bobbie Richardson

Rep. Larry C. Strickland

Rep. Rena W. Turner

Committee Staff:

Amna Cameron

Joshua Freeman

Luke Gillenwater

Amanda Hayden

Howard Marsilio

Wendy Graf Ray

COMMITTEE CHARGE/STATUTORY AUTHORITY

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By letter dated September 12, 2017, the Speaker of the House of Representatives established the House Select Committee on Strategic Transportation Planning and Long Term Funding Solutions, and authorized it to report to the House of Representatives at any time prior to the convening of the 2019 General Assembly.

The Committee was authorized to study any of the following:

- (1) Corridor Development
- (2) The future of federal funding
- (3) The future of State revenues
 - A. Demographic changes
 - B. New and changing revenue sources
 - C. Autonomous vehicles
 - D. Factors leading to consumption declines
- (4) Ports Authority (including Inland Ports)
- (5) Dredging
- (6) Multi-modal Connectivity
- (7) Technology Advancements
- (8) Any other transportation issue



Office of the Speaker
North Carolina House of Representatives

TIM MOORE
SPEAKER

HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND
LONG TERM FUNDING SOLUTIONS TO THE HONORABLE MEMBERS OF THE NORTH
CAROLINA HOUSE OF REPRESENTATIVES

Section 1. The House Select Committee on Strategic Transportation Planning and Long Term Funding Solutions (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to Rule 26(a) of the Rules of the House of Representatives of the 2017 General Assembly.

Section 2. The Committee consists of twenty four members appointed by the Speaker of the House of Representatives. The membership of the Committee shall include legislators as specified below. Members serve at the pleasure of the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Committee at any time. Vacancies are filled by the Speaker of the House of Representatives. A Chair, Vice Chair, or other member of the Committee continues to serve until a successor is appointed.

Representative John Torbett, Chair	Representative Ken Goodman
Representative Phil Shepard, Vice Chair	Representative George Graham
Representative Frank Iler, Vice Chair	Representative Holly Grange
Representative Michele Presnell, Vice Chair	Representative Kelly Hastings
Representative Jamie Boles	Representative Howard Hunter III
Representative John Bradford	Representative Pat Hurley
Representative Dana Bumgardner	Representative Linda Johnson
Representative Becky Carney	Representative Chuck McGrady
Representative Debra Conrad	Representative Allen McNeill
Representative Nelson Dollar	Representative Susan Martin
Representative John Faircloth	Representative Larry Strickland
Representative John Fraley	Representative Rena Turner

Section 3. The Committee may study any of the following:

- (1) Corridor Development
- (2) The future of federal funding
- (3) The future of State revenues

16 WEST JONES ST. • (919) 733-3451 • RALPH, NC 27601

- A. Demographic changes
- B. New and changing revenue sources
- C. Autonomous vehicles
- D. Factors leading to consumption declines
- (4) Ports Authority (including Inland Ports)
- (5) Dredging
- (6) Multi-modal Connectivity
- (7) Technology Advancements
- (8) Any other transportation issue

Section 4. The Committee shall meet upon the call of the Chair. A quorum of the Committee shall be a majority of 15 members. No action may be taken except by majority vote at a meeting at which a quorum is present.

Section 5. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes. The Committee may contract for professional, clerical, or consultant services, as provided by G.S. 120-32.02.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

Section 7. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations.

Section 10. The Committee may submit an interim report on the results of the study, including any proposed legislation, to the members of the House of Representatives at any time. The Committee may submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives prior to the convening of the 2019 General Assembly. Reports shall be submitted by filing a copy of the report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee terminates upon the convening of the 2019 General Assembly, upon the filing of its final report, or by dissolution by the Speaker of the House of Representatives, whichever occurs first.

Effective this 12th day of September, 2017,

A handwritten signature in black ink, appearing to read "Tim Moore", written over a horizontal line.

Tim Moore
Speaker

LEGISLATIVE PROPOSALS

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**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

H

D

BILL DRAFT 2017-MWz-24A [v.5]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

04/04/2018 02:15:39 PM

Short Title: Airport Prop. Purchase/NCEPA waiver.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO WAIVE THE NORTH CAROLINA ENVIRONMENTAL POLICY ACT (NCEPA) ENVIRONMENTAL DOCUMENTATION REQUIREMENTS FOR ACQUISITIONS OF PROPERTY FOR FUTURE AIRPORT DEVELOPMENT, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any law, rule, or regulation to the contrary, the Department of Transportation shall not require environmental documentation under the North Carolina Environmental Policy Act from any airport meeting all of the following requirements:

- (1) The airport is acquiring 40 acres or less of property for future airport development.
- (2) The airport is located in a county with a population of greater than nine hundred thousand (900,000) people, according to the most recent decennial federal census.
- (3) The airport has a total annual enplanement of over twenty million (20,000,000) passengers, according to the most recent data provided by the Federal Aviation Administration.

SECTION 2. The Department may adopt temporary rules to implement the provisions of this act. Any temporary rules adopted in accordance with this section shall remain in effect until permanent rules that replace the temporary rules become effective.

SECTION 3. This act is effective when it becomes law, and expires July 1, 2020.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

BILL DRAFT 2017-MWz-22 [v.6] (03/20)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
03/27/2018 03:57:16 PM

Short Title: DOT Property Sale Proceeds/Highway Fund.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT NET PROCEEDS FROM THE SALE OF LAND OR
3 FACILITIES PURCHASED WITH FUNDS FROM THE STATE HIGHWAY FUND ARE
4 TO BE DEPOSITED INTO THE STATE HIGHWAY FUND, AS RECOMMENDED BY
5 THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION
6 PLANNING AND LONG TERM FUNDING SOLUTIONS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 146-30(c) reads as rewritten:

9 "(c) The amount or rate of such service charge shall be fixed by rules and regulations
10 adopted by the Governor and approved by the Council of State, but as to any particular sale,
11 lease, rental, or other disposition, it shall not exceed ten percent (10%) of the gross amount
12 received from such sale, lease, rental, or other disposition. Notwithstanding any other provision
13 of this Subchapter, the net proceeds derived from the sale of land or products of land owned by
14 or under the supervision and control of the Wildlife Resources Commission, or acquired or
15 purchased with funds of that Commission, shall be paid into the Wildlife Resources Fund.
16 Provided, however, the net proceeds derived from the sale of land or timber from land owned by
17 or under the supervision and control of the Department of Agriculture and Consumer Services
18 shall be deposited with the State Treasurer in a capital improvement account to the credit of the
19 Department of Agriculture and Consumer Services, to be used for such specific capital
20 improvement projects or other purposes as are provided by transfer of funds from those accounts
21 in the Capital Improvement Appropriations Act. Provided further, the net proceeds derived from
22 the sale of park land owned by or under the supervision and control of the Department of Natural
23 and Cultural Resources shall be deposited with the State Treasurer in a capital improvement
24 account to the credit of the Department of Administration to be used for the purpose of park land
25 acquisition as provided by transfer of funds from those accounts in the Capital Improvement
26 Appropriations Act. In the Capital Improvement Appropriations Act, line items for purchase of
27 park and agricultural lands will be established for use by the Departments of Administration and
28 Agriculture. The use of such funds for any specific capital improvement project or land
29 acquisition is subject to approval by the Director of the Budget. No other use may be made of
30 funds in these line items without approval by the General Assembly except for incidental
31 expenses related to the project or land acquisition. Additionally with the approval of the Director
32 of the Budget, either Department may request funds from the Contingency and Emergency Fund
33 when the necessity of prompt purchase of available land can be demonstrated and funds in the
34 capital improvement accounts are insufficient. Provided further, the net proceeds derived from

*House Select Committee on Strategic Transportation Planning and Long Term Funding
Solutions*

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1 the sale of any portion of the land owned by the State in or around the Butner Reservation on or
2 after July 1, 1980, shall be deposited with the State Treasurer in a capital improvement account
3 to the credit of the Department of Health and Human Services to make capital improvements on
4 or to property owned by the State in the Butner Reservation subject to approval by the Office of
5 State Budget and Management, and may be used to build industrial access roads to industries
6 located or to be located on the Butner Reservation, to construct new city streets in the Butner
7 Reservation, extend water and sewer service on the Butner Reservation, repair storm drains on
8 the Butner Reservation, and for other capital uses on the Reservation as determined by the
9 Secretary. Provided further, notwithstanding any other provision of this Subchapter, the proceeds
10 derived from the lease dispositions of land or facilities owned or under the supervision and
11 control of East Carolina University's Division of Health Sciences for the delivery of health care
12 services shall be deposited in clinical accounts at East Carolina University to be used to improve
13 access to patient care. Provided further, notwithstanding any other provision of this Subchapter,
14 the net proceeds derived from the sale of land or facilities purchased with funds from the State
15 Highway Fund shall be deposited into the State Highway Fund."

16 **SECTION 2.** This act is effective when it becomes law and applies to sales on or
17 after that date.
18

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

BILL DRAFT 2017-MWz-21 [v.8] (03/20)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
03/27/2018 03:59:44 PM

Short Title: Unanticipated Bridge/Road Closure/Waive Bids.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT CLARIFYING THE AUTHORITY OF THE DEPARTMENT OF
3 TRANSPORTATION TO ENTER INTO CONTRACTS WITHOUT COMPLYING WITH
4 BIDDING REQUIREMENTS WHEN AN EMERGENCY EXISTS, AS RECOMMENDED
5 BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION
6 PLANNING AND LONG TERM FUNDING SOLUTIONS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 136-28.1(e) reads as rewritten:

9 "(e) The Department of Transportation may enter into contracts for construction,
10 maintenance, or repair without complying with the bidding requirements of this section upon a
11 determination of the Secretary of Transportation or the Secretary's designee that an emergency
12 exists and that it is not feasible or not in the public interest for the Department of Transportation
13 to comply with the bidding requirements. For purposes of this section the term "emergency"
14 includes an unanticipated bridge closure, road closure, or weight restriction that results in detours
15 or deters the free movement of goods and services and requires an estimated expenditure of ten
16 million dollars (\$10,000,000) or less in construction, maintenance, or repair costs."

17 **SECTION 2.** This act is effective when it becomes law.
18

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

BILL DRAFT 2017-MWz-20 [v.11]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
04/27/2018 09:23:16 AM

Short Title: Replacement ROW for Utility Relocation.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ACQUIRE
3 REPLACEMENT RIGHT-OF-WAY AND TO ASSIGN THE EASEMENT RIGHTS OF
4 THE REPLACEMENT RIGHT-OF-WAY TO A UTILITY, AS RECOMMENDED BY
5 THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION
6 PLANNING AND LONG TERM FUNDING SOLUTIONS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 136-19.5(c) reads as rewritten:

9 "(c) Whenever the Department of Transportation requires the relocation of utilities,
10 including cable service as defined in G.S. 105-164.3, located in a right-of-way for which the
11 utility owner contributed to the cost of acquisition, the Department of Transportation shall
12 reimburse the utility owner for the cost of moving those utilities. The Department may, with the
13 agreement of the utility owner, acquire a replacement right-of-way and assign the easement rights
14 of the replacement right-of-way to the utility owner."

15 **SECTION 2.** This act is effective when it becomes law.
16

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

BILL DRAFT 2017-MWz-23A [v.5]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
04/30/2018 03:07:33 PM

Short Title: DOT Highway Division/SHRA Exemption.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT CERTAIN POSITIONS IN THE DEPARTMENT OF
3 TRANSPORTATION HIGHWAY DIVISION FROM THE STATE HUMAN
4 RESOURCES ACT FOR THE PURPOSES OF COMPENSATION AND RECRUITMENT,
5 AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC
6 TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 126-5 is amended by adding a new subsection to read:

9 "(c14) Upon the approval of the Secretary of the Department of Transportation and notice to
10 the Director of the Office of State Human Resources, engineering technician positions in the
11 Department of Transportation, Highway Division, are exempt from the following provisions of
12 this Chapter:

13 (1) The compensation and recruitment policies, rules, and plans established by
14 the Commission pursuant to G.S. 126-4(1) through G.S. 126-4(4).

15 (2) The job posting requirements of G.S. 126-7.1."

16 **SECTION 2.** G.S. 126-5(d) does not apply to the exemptions from the North
17 Carolina Human Resources Act authorized by Section 1 of this act.

18 **SECTION 3.** This act is effective when it becomes law.
19

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

BILL DRAFT 2017-MLz-201 [v.5] (03/27)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

03/28/2018 09:59:51 AM

Short Title: DOT/Project Delivery Method Pilot Project.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH
AND IMPLEMENT A PILOT PROJECT TO AWARD TRANSPORTATION PROJECT
CONTRACTS ON A CONSTRUCTION MANAGER-GENERAL CONTRACTOR BASIS,
AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC
TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Definition. – For purposes of this act, the term "construction manager-general contractor" means a project delivery method that allows the use of a construction manager during the design process to provide input on the design. During the design phase, the construction manager provides advice, including constructability review, scheduling, pricing, and phasing, to assist in designing a more efficient and well-designed project. The construction manager may subsequently act as the general contractor and construct the project if the department and the construction manager-general contractor reach agreement on a guaranteed maximum price for construction.

SECTION 2. Pilot Project. – Notwithstanding any provision of Chapter 136 of the General Statutes to the contrary, the Department of Transportation may establish and implement a pilot project to award contracts for up to five projects for the construction of transportation projects on a construction manager-general contractor basis. The Department may only award a contract under this section if (i) the cost of the project is determined by the Department to be less than one hundred million dollars (\$100,000,000), (ii) the Department determines that it is in the public interest to use the construction manager-general contractor basis for the project, (iii) the Department prequalifies the contractor that will be awarded the contract, (iv) the Department complies with the pre-award reporting requirement set forth in Section 3 of this act, and (v) the Department has established and implemented guidelines as required under Section 4 of this act.

SECTION 3. Report. – Prior to the award of a contract under the authority set forth in Section 2 of this act, the Department shall submit a pre-award report to the Joint Legislative Transportation Oversight Committee on the nature and scope of the project and the reasons using the construction manager-general contractor basis will best serve the public interest. Upon completion of a project awarded under Section 2 of this act, the Department shall submit a post-completion report to the Joint Legislative Transportation Oversight Committee detailing the results of the project, including any cost and time efficiencies achieved as a result of using the construction manager-general contractor basis.

1 **SECTION 4.** Guidelines. – The Department shall develop and implement guidelines
2 for the awarding of contracts under Section 2 of this act.

3 **SECTION 5.** Effective Date. – This act is effective when it becomes law. This act
4 expires upon submission of the post-completion report required under Section 3 of this act for
5 the final project completed under the authority set forth in Section 2 of this act.
6

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

BILL DRAFT 2017-MLz-182 [v.8]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

04/11/2018 02:07:09 PM

Short Title: Clarify Oversight Authority/Auto Appraisers.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE ROLE OF THE DEPARTMENT OF INSURANCE AND
DIVISION OF MOTOR VEHICLES REGARDING MOTOR VEHICLE APPRAISERS,
AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC
TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-279.2 reads as rewritten:

"§ 20-279.2. ~~Commissioner~~Commissioners to administer Article; appeal to court.

(a) ~~The~~Except for G.S. 20-279.21(d1), the Commissioner shall administer and enforce the provisions of this Article and may make rules and regulations necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the Commissioner under the provisions of this Article. The Commissioner of Insurance shall administer and enforce the provisions of G.S. 20-279.21(d1) and may make rules and regulations necessary for its administration.

(b) Any person aggrieved by an order or act of the Commissioner of Motor Vehicles requiring a suspension or revocation of ~~his~~the person's license under the provisions of this Article, or requiring the posting of security as provided in this Article, or requiring the furnishing of proof of financial responsibility, may file a petition in the superior court of the county in which the petitioner resides for a review, and the commencement of ~~such a~~the proceeding shall suspend the order or act of the Commissioner pending the final determination of the review. A copy of ~~such~~the petition shall be served upon the Commissioner, and the Commissioner shall have 20 days after ~~such~~-service in which to file answer. The appeal shall be heard in said county by the judge holding court in said county or by the resident judge. At the hearing upon the petition the judge shall sit without the intervention of a jury and shall receive ~~such~~any evidence ~~as shall be~~ deemed by the judge to be relevant and proper. Except as otherwise provided in this section, upon the filing of the petition herein provided for, the procedure shall be the same as in civil actions.

The matter shall be heard de novo and the judge shall enter ~~his~~an order affirming the act or order of the Commissioner, or modifying same, including the amount of bond or security to be given by the petitioner. If the court is of the opinion that the petitioner was probably not guilty of negligence or that the negligence of the other party was probably the sole proximate cause of the collision, the judge shall reverse the act or order of the Commissioner. Either party may appeal from ~~such~~the order to the Supreme Court in the same manner as in other appeals from the superior court and the appeal shall have the effect of further staying the act or order of the Commissioner requiring a suspension or revocation of the petitioner's license.

1 No act, or order given or rendered in any proceeding hereunder shall be admitted or used in
2 any other civil or criminal action."

3 **SECTION 2.** G.S. 20-279.21 reads as rewritten:

4 **"§ 20-279.21. "Motor vehicle liability policy" defined.**

5 ...

6 (d1) Such motor vehicle liability policy shall provide an alternative method of determining
7 the amount of property damage to a motor vehicle when liability for coverage for the claim is not
8 in dispute. For a claim for property damage to a motor vehicle against an insurer, the policy shall
9 provide that if:

10 (1) The claimant and the insurer fail to agree as to the difference in fair market
11 value of the vehicle immediately before the accident and immediately after
12 the accident; and

13 (2) The difference in the claimant's and the insurer's estimate of the diminution in
14 fair market value is greater than two thousand dollars (\$2,000) or twenty-five
15 percent (25%) of the fair market retail value of the vehicle prior to the accident
16 as determined by the latest edition of the National Automobile Dealers
17 Association Pricing Guide Book or other publications approved by the
18 Commissioner of Insurance, whichever is less, then on the written demand of
19 either the claimant or the insurer, each shall select a competent and
20 disinterested appraiser and notify the other of the appraiser selected within 20
21 days after the demand. The appraisers shall then appraise the loss. Should the
22 appraisers fail to agree, they shall then select a competent and disinterested
23 appraiser to serve as an umpire. If the appraisers cannot agree upon an umpire
24 within 15 days, either the claimant or the insurer may request that a magistrate
25 resident in the county where the insured motor vehicle is registered or the
26 county where the accident occurred select the umpire. The appraisers shall
27 then submit their differences to the umpire. The umpire then shall prepare a
28 report determining the amount of the loss and shall file the report with the
29 insurer and the claimant. The agreement of the two appraisers or the report of
30 the umpire, when filed with the insurer and the claimant, shall determine the
31 amount of the damages. In preparing the report, the umpire shall not award
32 damages that are higher or lower than the determinations of the appraisers. In
33 no event shall appraisers or the umpire make any determination as to liability
34 for damages or as to whether the policy provides coverage for claims asserted.
35 The claimant or the insurer shall have 15 days from the filing of the report to
36 reject the report and notify the other party of such rejection. If the report is not
37 rejected within 15 days from the filing of the report, the report shall be binding
38 upon both the claimant and the insurer. Each appraiser shall be paid by the
39 party selecting the appraiser, and the expenses of appraisal and umpire shall
40 be paid by the parties equally. For purposes of this section, "appraiser" and
41 "umpire" shall mean a person licensed as a motor vehicle damage appraiser
42 under G.S. 58-33-26 and G.S. 58-33-30 and who as a part of his or her regular
43 employment is in the business of advising relative to the nature and amount
44 of motor vehicle damage and the fair market value of damaged and
45 undamaged motor vehicles.

46 ...

47 (o) An insurer that fails to comply with ~~subsections~~subsections (d1) or (m) of this section
48 is subject to a civil penalty under G.S. 58-2-70."

49 **SECTION 3.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

BILL DRAFT 2017-MWz-30 [v.7]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

04/25/2018 08:59:48 AM

Short Title: DMV/Motorcoach Study.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO STUDY FEDERAL AND STATE REGULATION OF MOTORCOACHES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Motorcoach study. – The Division of Motor Vehicles, in consultation with the Department of Public Safety and the North Carolina Motorcoach Association, shall study federal and state regulation of motorcoaches. As part of the study, the Division of Motor Vehicles shall consider all of the following:

- (1) Federal regulation of motorcoaches.
- (2) State regulations and requirements for motorcoaches, including the effect of laws in Virginia, South Carolina, Georgia, Florida, Tennessee, Pennsylvania, Washington, D.C., and New York, on North Carolina registered motorcoaches traveling and doing business in those states.
- (3) Regulations and requirements for out-of-state motorcoaches traveling and doing business in North Carolina.
- (4) The equity of regulations and requirements governing North Carolina registered motorcoaches traveling and doing business in other states and jurisdictions and out-of-state registered motorcoaches traveling and doing business in North Carolina.
- (5) Whether North Carolina may establish or enter into reciprocity agreements with other states and jurisdictions to exempt North Carolina registered motorcoaches traveling and doing business in those other states and jurisdictions.
- (6) Whether any legislative changes are necessary to ensure North Carolina registered motorcoaches are not at a competitive disadvantage with motorcoaches registered in other states and jurisdictions.
- (7) Any other topic or issue the Division of Motor Vehicles determines to be relevant to this study.

SECTION 2. Report. – By December 1, 2018, the Division of Motor Vehicles shall report its findings from the study required under Section 1 of this act, including any legislative recommendations, to the chairs of the Joint Legislative Transportation Oversight Committee and the Joint Legislative Oversight Committee on Justice and Public Safety.

SECTION 3. Effective Date. – This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

H

D

BILL DRAFT 2017-MLz-205A [v.5]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

05/02/2018 01:00:52 PM

Short Title: Build NC Bond Act.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ENACT THE BUILD NC BOND ACT OF 2018, AS RECOMMENDED BY THE
HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING
AND LONG TERM FUNDING SOLUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Short Title. – This act shall be known as the "Build NC Bond Act of 2018."

SECTION 2. G.S. 142-82 reads as rewritten:

"§ 142-82. Definitions.

The following definitions apply in this Article:

...

(2a) Build NC Bonds. – Special indebtedness issued to finance Build NC Projects, with the Build NC Net Proceeds of such special indebtedness used in accordance with both of the following requirements, measured in the aggregate for all issues in successive periods of 10 fiscal years each, with the first such period beginning with the 2019-2020 fiscal year:

a. Within two percent (2%) of fifty percent (50%) of the Build NC Net Proceeds during such period used for Division Need Projects in accordance with the requirements of Article 14B of Chapter 136 of the General Statutes.

b. The remainder of the Build NC Net Proceeds during such period used for Regional Impact Projects in accordance with the requirements of Article 14B of Chapter 136 of the General Statutes.

(2b) Build NC Net Proceeds. – The proceeds of an issue of Build NC Bonds net of deposits for the costs described in sub-subdivisions d., e., and f. of subdivision (6) of this section.

(2c) Build NC Project. – A capital facility identified and selected for financing with Build NC Bonds under this Article by the process set forth in Article 14B of Chapter 136 of the General Statutes.

...."

SECTION 3. Article 9 of Chapter 142 of the General Statutes is amended by adding a new section to read:

"§ 142-97. Additional provisions with respect to Build NC Bonds.

The following requirements and limitations apply to the issuance and sale of Build NC Bonds:

House Select Committee on Strategic Transportation Planning and Long Term Funding Solutions

- 1 (1) Subject to appropriation by the General Assembly, funds from the Highway
2 Trust Fund shall be the source for repayment of special indebtedness resulting
3 from the sale of Build NC Bonds.
- 4 (2) The State Treasurer shall not issue any Build NC Bonds unless (i) the State
5 Treasurer recommends the issuance of the Build NC Bonds and (ii) the State
6 Treasurer has made a determination that all of the following requirements
7 have been or shall be met:
- 8 a. The Department of Transportation's average combined month-end
9 cash balance required under G.S. 143C-6-11(f) for the first 3 months
10 in the calendar year prior to the date of determination is equal to or
11 less than twenty percent (20%) of the total expenditures from the
12 Highway Fund and Highway Trust Fund for the most recent complete
13 fiscal year. In calculating the total expenditures from the Highway
14 Fund and Highway Trust Fund under this sub-subdivision, any
15 transfers to the General Fund shall be excluded.
- 16 b. The total amount of Build NC Bonds outstanding after such issuance
17 will not cause the recommended transportation debt target established
18 by the Debt Affordability Advisory Committee in accordance with
19 G.S. 142-101 to be exceeded.
- 20 c. At least six months prior to the expected date of the Build NC Bond
21 issuance, the Department of Transportation:
- 22 1. Consulted with the State Treasurer about the proposed Build
23 NC Bond issuance.
- 24 2. Consulted with the Joint Legislative Transportation Oversight
25 Committee and the Joint Legislative Commission on
26 Governmental Operations to provide details of the proposed
27 issuance, including (i) the total amount of the Build NC Bonds
28 that will be issued, (ii) the estimated amount of the debt service
29 payments, and (iii) the estimated amount of debt capacity that
30 would be remaining after the issuance.
- 31 (3) Except as otherwise provided in subdivision (7) of this subsection, the total
32 amount of special indebtedness resulting from the sale of Build NC Bonds
33 shall not exceed three billion dollars (\$3,000,000,000).
- 34 (4) Except as otherwise provided in subdivision (7) of this subsection, each
35 individual issuance of Build NC Bonds is limited to no more than three
36 hundred million dollars (\$300,000,000) in each fiscal year.
- 37 (5) The Department of Transportation may not use the proceeds realized from the
38 sale of Build NC Bonds for a non-highway project or a project utilizing tolling
39 pursuant to the authority set forth in subdivisions (39) or (39a) of G.S. 136-18.
- 40 (6) For purposes of satisfying the requirements of G.S. 142-15.17, Build NC
41 Projects constitute projects as to which the General Assembly has enacted
42 legislation expressly approving the use of a State-supported financing
43 arrangement.
- 44 (7) The restrictions set forth in sub-subdivision a. of subdivision (2) of this
45 section and subdivisions (3) and (4) of this subsection do not apply to Build
46 NC Bonds that are refunding bonds meeting the requirements set forth in
47 G.S. 142-29.5.

1 (8) The provisions of subsection (b) of G.S. 142-83 do not apply to Build NC
2 Bonds, nor shall Build NC Bonds be counted for the purposes of that
3 subsection in limiting the issuance of other debt.

4 (9) The provisions of subsection (e) of G.S. 142-84 do not apply to Build NC
5 Bonds."

6 **SECTION 4.** G.S. 142-89(a) reads as rewritten:

7 "(a) Terms and Conditions. – Bonds or notes may bear any dates; may be serial or term
8 bonds or notes, or any combination of these; may mature in any amounts and at any times, not
9 exceeding 15 years from their dates for Build NC Bonds and 40 years from their dates;dates for
10 all other bonds and notes; may be payable at any places, either within or without the United
11 States, in any coin or currency of the United States that at the time of payment is legal tender for
12 payment of public and private debts; may bear interest at any rates, which may vary from time
13 to time; and may be made redeemable before maturity, at the option of the State or otherwise as
14 may be provided by the State, at any prices, including a price greater than the face amount of the
15 bonds or notes, and under any terms and conditions, all as may be determined by the State
16 Treasurer, by and with the consent of the Council of State."

17 **SECTION 5.** The State Treasurer, in consultation with the Department of
18 Transportation, shall develop and implement a debt management policy to guide the
19 Department's practices in regards to issuing Build NC Bonds, as defined in G.S. 142-82(2a), as
20 enacted in Section 2 of this act. By July 1, 2019, the State Treasurer shall submit a report to the
21 Joint Legislative Transportation Oversight Committee detailing the debt management plan
22 developed in accordance with this subsection.

23 **SECTION 6.** This act is effective when it becomes law.